

REMARKS

Claims 1-32 are pending in the application. Applicant gratefully acknowledges Examiner's indication that claims 4-14, 17-19 and 26-27 comprise allowable subject matter and would be allowable if rewritten as suggested in the Office Action. Reconsideration of the claim rejections is respectfully requested in view of the above amendments and following remarks.

Claim Rejections – 35 U.S.C. § 101

Claims 1-31 stand rejected as being directed to non-statutory subject matter. Although Applicant disagrees with the basis of the rejection, claims 1-31 have been amended to recite systems comprising communication stacks. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 15-16, 20-25 and 28-32 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,233,235 to Burke et al. in view of U.S. Patent No. 6,195,636 to Cruip et al, for the reasons set forth on pages 3-5 of the Office Action.

It is respectfully submitted that at the very minimum, claims 1, 23 and 32 are patentable and non-obvious over the combination of Burke and Cruip.

In particular, claim 1 has been amended to include the subject matter of canceled claim 8. Since the Office Action indicates that claim 8 comprises allowable subject matter, claim 1 is believed to be in condition for allowance.

Furthermore, claims 23 and 32 are believed to be patentable over Burke and Cruip because the cited combination does not disclose or suggest, e.g., *wrapping control messages in a real-time control data stream comprising control data that enables real-time control and*

coordination of conversational distributed functions over the network, as recited in claims 23 and 32. In fact, the recited subject matter is similar to that of claim 6, which Examiner has indicated comprises allowable subject matter. Moreover, in the Office Action, the rejection of claims 23 and 32 was based on “the same reasons set forth in the rejection of claims 1, 15, 20 and 22”, but at the very minimum, such rejections did not address the claimed features of control data for real-time control of conversational distributed functions over the network, as recited in claims 23 and 32.

Therefore, for at least the above reasons, claims 1, 23 and 32 are patentable over the combination of Burke and Cruip. Moreover, claims 2-3, 15-16, 20-22, 24-25 and 28-30 are patentable over the cited combination at least by virtue of their dependence (directly or indirectly) from respective base claims 1, 23 or 32. Accordingly, withdrawal of the claim rejections under 35 U.S.C. § 103 is respectfully requested.

Respectfully submitted,



Frank V. DeRosa

Reg. No. 43,584

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
Tel: (516) 692-8888
Fax: (516) 692-8889